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United States of America and
11 Drug Enforcement Administration¹

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 MIGUEL LOMELI AGUILA;
15 MARIA GUADALUPE GARCIA
16 ALVAREZ DE LOMELI,

17 Plaintiffs,

18 vs.

19 THE UNITED STATES OF
20 AMERICA, THE UNITED STATES
21 DRUG ENFORCEMENT AGENCY,
22 UNKNOWN NAMED DRUG
ENFORCEMENT AGENCY
23 AGENTS 1-10; UNKNOWN
NAMED SUPERVISING DRUG
24 ENFORCEMENT AGENCY
AGENTS 11-20

25 Defendants.

) SACV 08-1455 AG(RCx)
(consolidated with SACV 08-09-644)

) ~~[PROPOSED]~~
) PROTECTIVE ORDER

) Hon. Andrew J. Guilford

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¹ Plaintiffs' Complaint incorrectly names the Drug Enforcement Administration as the "United States Drug Enforcement Agency."

1 Pursuant to the Parties' Stipulation for Protective Order and good cause
2 having been shown, IT IS HEREBY ORDERED THAT:

3 (1) The parties may use documents and records produced by Defendants in
4 conducting further discovery in this case.

5 (2) The parties may use documents and records produced by Defendants in
6 all law and motion proceedings. However, any documents or records that
7 Defendants mark as "Confidential" will be not be filed with the Court unless filed
8 under seal.

9 (3) Whenever counsel for the Defendants believes that formal or informal
10 discovery in this case, in whatever form, may reveal or has revealed information
11 which may be within the scope of the provisions of the Privacy Act or subject to
12 the law enforcement investigatory privilege, counsel for the Defendants shall, in
13 writing provided to Plaintiffs' counsel, designate the information as subject to the
14 Protective Order by stamping or printing "Confidential" on the front page or face
15 of the document or interposing that phrase prior to a discovery response, such as in
16 response to a propounded Interrogatory. Counsel for Plaintiffs and Defendants
17 shall take all steps reasonably necessary to safeguard the confidentiality of all
18 documents, records, and information marked as "Confidential." The documents,
19 records and information marked as "Confidential" are to be used solely pursuant to
20 the Protective Order and are to be used solely for the purpose of this litigation and
21 may not be disclosed, in any manner whatsoever, to anyone for any other purpose
22 or reason whatsoever.

23 (4) The parties shall have the right to use records produced by Defendants in
24 all preparations for trial. Any disclosure of the documents and records or
25 information derived therefrom, except disclosures authorized by the other sections
26 of the Protective Order, shall be conditioned upon the recipient of the documents,
27 records, or information being advised of the terms of the Protective Order and
28 agreeing in writing to comply with its terms, with the understanding that a failure

1 to comply with the Protective Order may result in the imposition of sanctions by
2 this Court. Such written agreement shall take the following form:

3 I, _____, hereby acknowledge that I have read the Protective
4 Order entered on _____, 2010, in Miguel Lomeli Aguila, et al.
5 v. United States, et al., in the United States District Court for the
6 Central District of California. I hereby agree to be bound by the terms
7 and conditions of the Protective Order, including that the documents,
8 records, and information protected by the Protective Order are to be
9 used solely pursuant to the Protective Order and solely for the purpose
10 of this litigation and that they may not be disclosed, in any manner
11 whatsoever, to anyone for any other purpose or reason whatsoever. I
12 acknowledge that my duties under the Protective Order shall survive
13 the termination of this case and are permanently binding on me and
14 that failure to comply with the Order may result in the imposition of
15 sanctions by the Court.

16 (5) Nothing herein shall prohibit the parties or counsel from disclosing a
17 document or its contents which constitute or contains information protected under
18 the Protective Order to the person the document identifies as an author or
19 addressee of such document.

20 (6) Nothing herein shall be construed as precluding Plaintiffs or Defendants
21 from introducing materials that are subject to the Protective Order, or the contents
22 thereof, into evidence at any trial or court proceeding of this case. However, in the
23 event that any material subject to the Protective Order is used in any trial or court
24 proceeding of this case, it shall not lose its status through such use, and the parties
25 shall take all steps reasonably necessary to protect its confidentiality.

26 (7) Upon conclusion of this action (including any appellate proceedings), all
27 copies of documents, records, or information protected by the Protective Order
28 (except copies of documents accepted into evidence) made pursuant to the terms of

1 this Order shall be returned to the Defendants or destroyed within sixty (60) days
2 by the Plaintiffs' attorney.

3 (8) This Protective Order does not constitute a ruling upon any objection to
4 the production of documents, records or information other than an objection based
5 on the Privacy Act of 1974, 5 U.S.C. § 552a. Nothing in this Protective Order
6 shall be construed to preclude the Defendants from asserting the law enforcement
7 investigatory privilege or any other applicable privilege, or to preclude the
8 Defendants from declining to produce materials or portions of materials where the
9 Defendants deem it appropriate.

10 IT IS SO ORDERED.

11 DATED: June 24, 2010_____

12 _____/S/ Rosalyn M. Chapman
13 UNITED STATES DISTRICT JUDGE
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